



State of New Jersey

Highlands Water Protection and Planning Council
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CHRIS CHRISTIE
Governor

JIM RILEE
Chairman

KIM GUADAGNO
Lt. Governor

MARGARET NORDSTROM
Executive Director

MEETING AGENDA Thursday, January 19, 2017 at 4pm

- CALL TO ORDER
- ROLL CALL
- OPEN PUBLIC MEETINGS ACT STATEMENT
- PLEDGE OF ALLEGIANCE
- APPROVAL OF HIGHLANDS COUNCIL MINUTES – December 1, 2016
- CHAIRMAN’S REPORT (and Council Member Reports)
 - CONSIDERATION OF RESOLUTION – Election of Vice Chair
 - CONSIDERATION OF RESOLUTION – Election of Treasurer
- EXECUTIVE DIRECTOR’S REPORT
- COMMITTEE REPORT:
REGIONAL MASTER PLAN UPDATE
 - Presentation
 - CONSIDERATION OF RESOLUTION – Authorization To Utilize The Draft Procedure For Considering Proposals To Amend The Highlands Regional Master Plan (*voting matter with public comment*)
- OTHER BUSINESS:
 - CONSIDERATION OF RESOLUTION – Authority for Plan Conformance and Highlands Project Review (*voting matter with public comment*)
- PUBLIC COMMENTS (*to ensure ample time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised in this period may not be responded to at this time but, where feasible, will be followed up by the Council and its staff.*)
- EXECUTIVE SESSION (*if deemed necessary*)
- ADJOURN

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 19, 2017

PRESENT

JIM RILEE)	CHAIRMAN
KURT ALSTEDDE)	VICE CHAIR
TRACY CARLUCCIO)	COUNCIL MEMBERS
TIMOTHY P. DOUGHERTY)	
MICHAEL R. DRESSLER)	
MICHAEL FRANCIS)	
ROBERT HOLTAWAY)	
BRUCE JAMES)	
CARL RICHKO)	
MICHAEL SEBETICH)	
JAMES VISIOLI)	
RICHARD VOHDEN)	
ROBERT G. WALTON)	

VIA-TELECONFERENCE

MICHAEL TFANK)

CALL TO ORDER 150TH meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:02pm.

ROLL CALL

Roll call was taken. Member Tfank was present via tele-conference. All other Council Members were present. *The following staff members were present: Margaret Nordstrom, John Maher, James Humphries, Corey Piasecki, Kim Ball Kaiser, Carole Ann Diction, and Tom Tagliareni. Also present were Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit, and Matthew Kelly, Deputy Attorney General.*

Member Tfank left the meeting temporarily (via teleconference) at 4:03pm.

OPEN PUBLIC MEETINGS ACT

Ms. Tagliareni announced that the meeting is being held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. The Highlands Council sent written notice of the time, date, and location of this meeting to pertinent newspapers of circulation throughout the State and posted notice on the Highlands Council website.

PLEDGE OF ALLEGIANCE was then recited.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF DECEMBER 1, 2016

Chairman Rilee asked for a motion on the Minutes of December 1, 2016.

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Member Holtaway made a motion to approve the Minutes of December 1, 2016. Member Richko seconded it.

A roll call vote was taken. The Minutes of December 1, 2016 were APPROVED 13-0.

CHAIRMAN'S REPORT

As part of the Chairman's report the Council considered the election of officers.

Member Tfank returned to the meeting (via teleconference) at 4:04pm.

Resolution – Election of Vice Chair

Member Walton made a motion to nominate Member Alstede as Vice-Chair of the Council. Member Holtaway seconded the motion.

All members present voted on the Resolution. The Resolution was APPROVED 13-1.

Resolution – Election of Treasurer

Member Tfank left the meeting temporarily (via teleconference) at 4:05pm.

Member Walton made a motion to nominate Member Holtaway as Treasurer of the Council. Member Visioli seconded the motion.

All members present voted on the Resolution. The Resolution was APPROVED 13-0.

Chairman Rilee reported that, effective January 20, 2017, the Fiscal Impact Assessment, the Highlands Regional Factbook, and the Peer Review will be released on the Council's website. Chairman Rilee noted that due to the size of these documents, a fee will be charged for printed copies.

Council Member Reports

Member Richko followed up on his December report regarding the release of revisions/updates to New Jersey Water Supply Master Plan. Member Richko reported that there has been a bi-partisan effort by Senators Bateman and Greenstein to release this information. Member Richko also noted that the recent Supreme Court ruling regarding affordable housing could affect the water supply as affordable housing requirements could rise by 50,000-100,000 units in the next ten years. With Chairman Rilee's agreement, Member Richko will work with Highlands Council staff to draft a resolution urging this information to be released.

Member Walton asked how this ruling will affect Highlands municipalities. There was continued discussion regarding affordable housing and Highlands municipalities.

Member Tfank returned to the meeting (via teleconference) at 4:12pm.

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COMMITTEE REPORT

Regional Master Plan Update

Committee Chair Alstede reported that today Council received the Fiscal Impact Assessment, Peer Review, and Highlands Regional Factbook. Council will also review a proposed procedure for considering proposals to amend the Highlands Regional Master (RMP) Plan. Ms. Nordstrom and Mr. Maher will outline the process.

Ms. Nordstrom then provided an introduction to Chief Counsel, John Maher's presentation. She noted that the Attorney General's office has been a full partner in the development of this procedure. Ms. Nordstrom also noted that in developing the procedure, great emphasis was placed on public participation. The public will have ample opportunity to comment on all draft amendments.

Ms. Nordstrom explained that the resolution before Council today is to accept this proposed procedure as a guidance document that will allow Council to move forward with the current Monitoring Program. Eventually the procedure will have to be formally adopted as an amendment to the RMP.

At this time, Chief Counsel John Maher provided a presentation to Council on a proposed procedure for considering proposals to amend the Highlands RMP. The presentation may be found on Council's website at the following link:

http://www.nj.gov/njhighlands/about/calend/2017_meetings/jan19/meeting_preso_jan19.pdf

Member Tfank left the meeting temporarily (via teleconference) at 4:19pm.

Member Tfank returned to the meeting (via teleconference) at 4:28pm.

Council Comment

Member Walton left the meeting temporarily at 4:31pm.

Member Visioli asked for an explanation regarding a "no action" by the Council. Chief Counsel Maher responded that it could be an affirmative vote to not allow a proposal to proceed, or it could be that any other action fails due to the lack of sufficient votes by Council members to authorize any other action on the proposal.

Member Carluccio asked if the RMP Amendment Committee will be a new committee. Chairman Rilee responded that the RMP Update Committee will be asked to continue their work into this next stage as the RMP Amendment Committee. Ms. Carluccio commented that she would like to serve on the committee and feels new members should be considered. Chairman Rilee responded that her comments were noted. Ms. Carluccio also expressed concerns regarding the six-year update requirement and amendments being brought forward between those years.

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Member Walton returned to the meeting at 4:33pm.

At this time, there were comments and discussions by Council members regarding the draft procedure for considering proposals to amend the Highlands Regional Master Plan relating to the:

- Committee meetings open to the public when Committee takes action on a proposed RMP amendment;
- Public comment period;
- Public participation – Submitting recommendation(s) for amendments to the RMP; and
- Public hearings outside of the Highlands Region.

Resolution – Authorization to Utilize the Draft Procedure For Considering Proposals To Amend The Highlands Regional Master Plan

Member Holtaway made a motion on the Resolution. Member Francis seconded it.

Public Comment

David Peifer, Association of New Jersey Environmental Commission – Mr. Peifer commented that public hearings should be held outside the Highlands Region for those who get their drinking water from the Highlands and/or use the Highlands recreationally. Mr. Peifer felt the five items listed on page 3 of the procedure document may be too onerous for a member of the public to complete when making a recommendation.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey commented that posting a document two days prior to a Council meeting does not give ample time for broad participation. Ms. Frey also commented that public hearings outside the Highlands Region are important. Ms. Frey felt the document was inadequate as far as public participation; 30 days is not enough time to get robust participation.

George Stafford, New Jersey Highlands Coalition – Mr. Stafford commented that Council may want to hold their public hearings outside the Highlands Region. Mr. Stafford then recited the municipalities that he has visited that get their drinking water from the Highlands, suggesting these might be receptive locations for such hearings.

Bill Kibler, Raritan Headwaters Association - Mr. Kibler commented that for the people and businesses who use the Highlands water, at least one of the public hearings should be held outside the Highlands Region. Mr. Kibler also commented that the public comment period should be longer than 30 days.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented that people who use Highlands water should be included in this process. Ms. Somers also commented that the public should be included to all committee meetings regarding the RMP update. Ms. Somers would like an explanation of the Science and Research agenda.

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George Cassa, Califon, NJ – Mr. Cassa asked for clarification on RMP Update (already a procedure on-line) and RMP Amendment. Ms. Nordstrom responded that the requests for RMP Updates are factual correction to the RMP or Map Adjustments, whereby a RMP Amendment is a change to the RMP.

Eric Keller, NJ Builders Association – Mr. Keller commented that on behalf of the NJ Builders, there are concerns that this process will further delay what can/will be done in the Highlands. Mr. Keller also commented that the 30-day public comment period is inadequate regarding the five step process noted on page 3.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp asked where the suggestions are regarding “raw land value” that were noted on a white board at a public outreach meeting.

David Shope, Lebanon Township, NJ – Mr. Shope asked Council to define the word “stakeholders.” Mr. Shope also would like to see the North Jersey Water Supply and nitrate reports.

Council Discussion

At this time there was continued discussion by Council members regarding the 30-day public comment period, as well as the two days Council gave the public to review the procedure document.

All members present voted on the Resolution. The Resolution was APPROVED 9-5.

EXECUTIVE DIRECTOR’S (ED) REPORT

Member Dougherty left the meeting temporarily at 5:23pm

Ms. Nordstrom highlighted some of Council staff’s activities.

Plan Conformance Implementation

- Oakland Borough, Bergen County - Master Plan Highlands Element: Deemed consistent 1/9/17.
- Kinnelon Borough, Morris County - Planning Area Petition Ordinance: Municipal Adoption 10/20/16; Deemed consistent 12/21/16

Ms. Nordstrom also reported that Council may see the following Highlands Redevelopment Area Designation application for consideration:

- Bloomsbury Borough, Hunterdon County, Block 32 Lot 1.01
- Applicant, Stem Brothers, is seeking to redevelop the subject property to add a restaurant and accompanying parking. Property currently developed with gas station and convenience store. (70% impervious surface).
- Application received: 12/20/16
- Highlands staff review: pending.

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Member Dougherty returned to the meeting at 5:25pm.

Total Constituent Calls for 2016

Ms. Nordstrom reported that a total of 261 constituent calls were received and responded to by Highlands Council staff. Ms. Nordstrom added that this Constituent Assistance program is still a very valuable program.

Other Business:

Resolution – Authority For Highlands Plan Conformance and Highlands Project Review

Member Walton made a motion on the Resolution. Member James seconded it.

Public Comment

Chuck Urban – Mr. Urban commented that the public should be able to comment on documents the Executive Director is reviewing.

Member James left the meeting temporarily at 5:26pm.

Council Comment

Member Carluccio commented that she will vote against this resolution due to #5 on page 3 of the resolution regarding Highlands Act exemption determinations, review and issue exemption determinations where direct Council action is recommended by the Executive Director. Ms. Carluccio feels Council should have more involvement.

Member James returned to the meeting at 5:28pm.

All members present voted on the Resolution. The Resolution was APPROVED 10-4.

Council Report

Member Walton gave a timeline regarding the applications for Open Space and Highlands Development Credits. The Highlands Development Credit Bank meeting of February 2nd will be cancelled. The next meeting will be held in the spring. A Landowner Equity & Land Preservation Committee meeting will be held in March to recommend how to allocate the funding available for these programs.

Chairman Rilee opened the meeting to the general public for comments.

Public Comment

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Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented on the recent affordable housing ruling by the Courts. Ms. Somers also commented on the Memorandum of Understanding (MOU) between the Highlands Council and Council for Affordable Housing (COAH). Ms. Somers feels the MOU should not be replaced.

Member Tfrank left the meeting at 5:31pm.

Tom Wagner – Mr. Wagner asked if any additional funding was received for the HDC program. Mr. Walton responded that federal grant funding for the HDC program was awarded and the remaining \$9M mitigation funding was still to be allocated between the HDC and Open Space Matching Grant programs. The Landowner Equity and Land Preservation Committee will make a recommendation to the Council to allocate those remaining mitigation funds for both programs.

Sean Gilson, New Jersey Highlands Coalition – Mr. Gilson provided a copy of Mr. Stafford's resolution, which lists the municipalities whose drinking water comes from the Highlands region. This resolution was submitted to Council for the record.

David Shope, Lebanon Township, NJ – Mr. Shope commented on the executive summary of the draft procedure regarding the "ongoing monitoring of identified indicators." Mr. Shope would like to see the indicators and their rankings. Mr. Shope also wants to make sure the economics of farming is included with all other economic businesses when considering the viability.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp commented on the Courts ruling regarding affordable housing.

Member Holtaway made a motion to adjourn the meeting. Member James seconded it. All were in favor. The meeting was adjourned at 5:43pm.

CERTIFICATION

I hereby certify that the foregoing is a true copy of the minutes of the meeting of the Highlands Water Protection and Planning Council.

Date: 2-16-17

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
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**Vote on the Approval of
These Minutes**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Dougherty	_____	_____	✓	_____	_____	_____
Councilmember Dressler	_____	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	✓	_____	_____	_____
Councilmember Holtaway	_____	_____	✓	_____	_____	_____
Councilmember James	✓	_____	✓	_____	_____	_____
Councilmember Richko	_____	✓	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfanck	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	_____	_____	_____	_____	_____	✓
Chairman Rilee	_____	_____	✓	_____	_____	_____

PUBLIC COMMENTS SUBMITTED AT HIGHLANDS
COUNCIL MEETING ON JANUARY 19, 2017

Date: 19 January 2017
To: New Jersey Highlands Council
From: Wilma Frey, Sr. Policy Manager, New Jersey Conservation Foundation
RE: Procedure for Considering Proposals to Amend the Highlands Regional Master Plan

1. Since these procedures are a matter of substantial interest to the public, we take issue with the proposal only having been released two days prior to today's meeting. The "Introduction" to the document states that it sets for the process the Highlands Council will follow to review and update the RMP in a manner that is consistent with the Highlands Act "and ensures robust public participation." Releasing documents of importance to the public two days prior to a Council vote is not conducive to public participation.

2. The Executive Summary states that the council will consider amendments to the RMP only after proposed changes have "ample opportunity for public comments on proposed amendments." The Introduction states that "This document sets forth the process the Highlands council will follow to review and update the RMP in a manner that is consistent with the Highlands act *and ensures robust public participation.*"

Unfortunately, the "Public Participation" as proposed (pg. 4) is inadequate. Although at least six public hearings are proposed, all but one are to be held in "various locations in the Highlands Region," plus one (or more) in Trenton. However, planning and management of land uses in the Highlands is not solely or even primarily for the benefit of Highlands residents: the major impetus of the Highlands Act was to ensure the protection of the essential Highlands water supply for the industries and the two-thirds of New Jersey's population that rely on it, most of whom reside outside of the Region. Residents from elsewhere in the State also rely on the Highlands for its wildlife, recreational, scenic and historic resources, as well as its farms and public forest lands. Therefore, it is imperative that public hearings be held in locations outside the Highlands, particularly in places that depend on the region for their water supply.

3. The Draft "Procedure" proposes that "upon the [RMP Amendment] Committee review and recommendation and the Council's approval, the draft Recommendation Report will be published on the Highlands Council website for public review and comments for a period of 30 days..." Again, 30 days is not conducive to "robust public participation." The Recommendation Report is likely to be of some length and complexity. It will deserve careful and reasoned consideration and discussion by the public. The Council "will accept written comments on all aspects, as well as suggestions for additional or different changes to the RMP..." Any proposed changes must be accompanied by not only the text of the proposed amendment, but also "a summary of how the amendment is consistent with the Highlands Act and other applicable law," and "data supporting the suggested amendment." These are truly laudable objectives and

reasonable requirements, which we appreciate and support. However, the 30-day time frame would be entirely inadequate to accomplish such tasks, and the comment period would wisely be extended to ^{a minimum of} 60 days, a change that we strongly urge the Council to make.

4. Regarding "Review of RMP Amendment by the Committee: The Draft proposes that "any meeting of the Committee at which it is anticipated the Committee will take action on a proposed RMP amendment shall be open to the public, but the public shall not be entitled to participate or make comments at the Committee meeting." We appreciate and strongly support that the Committee meetings be open to the public; however, we urge that all the meetings of the Committee be open, so that the public can hear the discussion of items, not simply be present for a final vote, at which time there might be no discussion, but simply a vote.

Thank you for consideration of my comments.

N.J. HIGHLANDS COALITION

RESOLUTION OF CONTINUING SUPPORT FOR THE GOALS AND PURPOSES OF THE 2004 HIGHLANDS WATER PROTECTION AND PLANNING ACT

WHEREAS, New Jersey Highlands Water Protection and Planning Act (The Highlands Act) was enacted in order to protect the State's water supplies and other significant resources and

WHEREAS, The Highlands Act was passed with overwhelming bipartisan support in both the New Jersey State Senate and New Jersey State Assembly; and

WHEREAS, subsequently in 2008, the New Jersey Highlands Water Protection and Planning Council adopted the New Jersey Highlands Regional Master Plan, and proceeded with a program for its implementation through a Plan Conformance process.

WHEREAS, (insert name of municipality) is a municipality that receives all or a portion of its drinking water from sources within the Highlands Region; and that (insert name of municipality) relies on the resources of the Highlands to meet the current and future needs of its residents.

NOW, THEREFORE, BE IT RESOLVED that the governing body of (insert name of municipality here) wishes that it be known that we strongly support the goals, policies and objectives of the 2004 Highlands Water Protection and Planning Act and the Highlands Regional Master Plan.

SIGNEES

Essex Freeholders, Essex County Environmental Commission, Belleville, Bloomfield, Caldwell, Fairfield, Maplewood, Millburn/Short Hills, Montclair E.C., Montclair, North Caldwell, Nutley, Irvington, Newark. Carteret, Cranbury E.C., Dunellen, Milltown, Metuchen, South Brunswick, Woodbridge, South Plainfield, Edison, South River, Montgomery E.C., Middlesex Twp.. Alpine, Bergen County Freeholder Board, Cliffside Park, Carlstadt, Closter, Elmwood Park, Fair Lawn, Franklin Lakes, Garfield, Glen Ridge, Harrington Park, Leonia, Montvale, Wallington, New Milford, Wood-Ridge, Paramus, Fort Lee, Clifton E.C. Hillsdale E.C., Dumont, Northvale, Demarest. Union County Freeholder Board, Cranford, Garwood, Hillside, Plainfield, Rahway, Union, Elizabeth, Springfield E.C., Kenilworth, Fanwood, Summit E.C., Scotch Plains. Winfield twp., East Hanover, Florham Park, Madison E.C., Madison, Lincoln Park. Hudson County Freeholders, East Newark, Kearny, Seacaucus, West New York, Jersey City E.C. No. Bergen, Harrison, Bayonne, Jersey City. Passaic Board of Freeholders, Clifton E.C., Haledon, North Haledon, Pompton Lakes, Totowa, Wayne, Woodland Park. Manville, North Plainfield, Watchung, Franklin E.C..Readington, Raritan., Readington E.C.. Princeton. Princeton E.C., Lawrence, Ewing, Mercer County Board of Freeholders, City of Trenton and Burlington City.

RESOLUTION 2017-3

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AUTHORIZATION TO UTILIZE THE DRAFT PROCEDURE FOR CONSIDERING PROPOSALS TO AMEND THE HIGHLANDS REGIONAL MASTER PLAN

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act or Act), N.J.S.A. 13:20-1 et seq., created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council or Council); and

WHEREAS, Section 8(a) of the Highlands Act mandates that the Council prepare and adopt a Regional Master Plan (RMP) for the Highlands Region; and also states that the RMP “shall be periodically revised and updated at least once every six years, after public hearings;” and

WHEREAS, the Council has prepared draft Procedure for Considering Proposals to Amend the Highlands Regional Master Plan (draft Procedure); and

WHEREAS, the Highlands Council is in the middle of the six-year review of the RMP required by the Highlands Act and is preparing a Monitoring Program Recommendation Report (MPRR), which may include one or more recommendations to amend the RMP;

WHEREAS, the Highlands Council staff and the RMP Update Committee (Committee) have developed a procedure for considering proposals to amend the RMP that may arise out of the Monitoring Program, and the Committee has recommended that the Council utilize these procedures going forward to finalize the MPRR and to consider any proposals to amend the RMP recommended in the MPRR; and

WHEREAS, the Council believes that the draft Procedure should be utilized by the Highlands Council going forward to finalize the MPRR and to consider any proposals to amend the RMP, and that the final Procedure be adopted by the Council as an amendment to the RMP at such time that the Council adopts other proposed amendments to the RMP arising out of the MPRR;

NOW, THEREFORE, BE IT RESOLVED, that

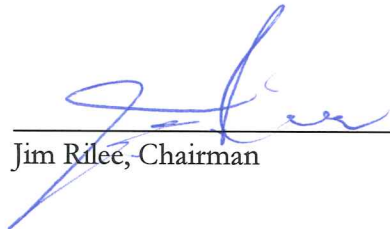
1. The Highlands Council shall utilize the draft Procedure going forward to finalize the MPRR and to consider any proposals to amend the RMP arising out of the MPRR; and
2. The Highlands Council shall adopt a final version of the Procedure as an amendment to the RMP in accordance with the Procedure at such time as the Council adopts any other amendments to the RMP arising out of the MPRR.

RESOLUTION 2017-3

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AUTHORIZATION TO UTILIZE THE DRAFT PROCEDURE FOR CONSIDERING PROPOSALS TO AMEND THE HIGHLANDS REGIONAL MASTER PLAN

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 19th day of January, 2017.



 Jim Riley, Chairman



**Vote on the Approval of
This Resolution**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	_____	✓	_____	_____
Councilmember Dougherty	_____	_____	_____	✓	_____	_____
Councilmember Dressler	_____	_____	_____	✓	_____	_____
Councilmember Francis	_____	✓	✓	_____	_____	_____
Councilmember Holtaway	✓	_____	✓	_____	_____	_____
Councilmember James	_____	_____	_____	✓	_____	_____
Councilmember Richko	_____	_____	_____	✓	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfrank	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	_____	_____	✓	_____	_____	_____
Chairman Riley	_____	_____	✓	_____	_____	_____

DRAFT



Procedure for Considering Proposals to Amend the Highlands Regional Master Plan

Prepared by the State of New Jersey Highlands Water Protection and
Planning Council in Support of the Highlands Regional Master Plan

January 2017

PROCEDURE FOR CONSIDERING PROPOSALS TO AMEND THE HIGHLANDS REGIONAL MASTER PLAN

Executive Summary

The Highlands Regional Master Plan (RMP) outlined a Monitoring Program to meet the statutory requirement of the Highlands Water Protection and Planning Act (Highlands Act) to review the RMP every six years. The RMP proposed development of a Monitoring Program to track and monitor regional indicators, and the preparation of a Monitoring Program Recommendation Report (MPRR or Recommendation Report) to present a summary of the data gathered and evaluated as part of the Monitoring Program and facilitate the Council’s consideration of revisions to the RMP.

The MPRR is prepared by the Highlands Council staff based on ongoing monitoring of identified indicators, and may include recommendations to amend the RMP. The Highlands Council will consider amendments to the RMP only after proposed changes to the RMP have been reviewed by the RMP Amendment Committee and ample opportunity for public comment on proposed amendments.

This document summarizes the procedures the Council plans to follow in its review of the RMP and its consideration of amendments thereto.

Introduction

The Highlands Act requires the New Jersey Highlands Water Protection and Planning Council (Highlands Council) to review and update the Highlands Regional Master Plan RMP¹ “at least once every six years, after public hearings”.² The Act contemplates that amendments to the RMP will arise principally out of this six-year reexamination. This document sets forth the process the Highlands Council will follow to review and update the RMP in a manner that is consistent with the Highlands Act and ensures robust public participation.

Standards Governing the Review of the RMP

The goals, policies and objectives that comprise the RMP reflect the synthesis of applicable law, policy science, economics and relevant considerations from other disciplines. As such, the RMP and any amendments proposed to the RMP will be reviewed by the Highlands Council with these considerations in mind. Specifically, the RMP must conform to the Highlands Act. Further, the RMP was developed with the benefit of data drawn from multiple sources and disciplines to inform the judgements made by the Council in its adoption of the RMP in 2008. Accordingly, the Highlands Council's review of the RMP at this six-year interval will take into consideration changes observed since 2008 in water resource conditions, land use patterns, demographics and other benchmarks, as indicated by relevant data, as well as data that was not available when the RMP was adopted in 2008.

¹ The 2008 Regional Master Plan (including Addendum A, January 2011), 15 Technical Reports, and guidance documents that can be found at www.nj.gov/njhighlands/master/.

² N.J.S.A. 131:20-8(a)

The Highlands Council will also take into consideration public comment received through the procedure described further below.

Accordingly, all amendments to the RMP that are presented to the Highlands Council for consideration will be accompanied by a detailed analysis and justification that, among other things and to the extent applicable, sets forth: (1) the purpose/intent of the proposed amendment; (2) the text of the proposed amendment; (3) an explanation of how the proposed amendment is consistent with the Highlands Act and other applicable law; (4) any data that supports the proposed amendment, including the data considered by the Council in its adoption of the RMP in 2008, and any changes observed in the data or new data developed since 2008; (5) a summary of public comment received related to the proposed amendment.

Monitoring Program and Recommendation Report

The RMP calls for the development of a Monitoring Program to track and evaluate regional conditions, and to identify emerging issues and discern changes and trends, as observed in relevant data, which will “inform the development of future iterations”³ and “guide potential amendments.”⁴

The RMP contemplates the compilation of this information in a Monitoring Program Recommendation Report (Recommendation Report), together with any recommendations for potential changes to the RMP. To this end, the Highlands Council staff, under the direction of the Highlands Council, will gather and evaluate relevant data, which will be summarized and presented to the Highlands Council in the Recommendation Report for its review and consideration as part of the 6-year review of the RMP, in accordance with the process outlined below. A draft Recommendation Report will be available for public review and comment, and any proposed amendments to the RMP will be subject to public hearings, as further described below.

Review of the Recommendation Report by the RMP Amendment Committee

Action by the RMP Amendment Committee

The Highlands Council staff will prepare a draft Recommendation Report for review and approval by the RMP Amendment Committee (Committee). The draft Recommendation Report may include suggested changes to the RMP. Upon the Committee’s review and recommendation and the

³ See, Chapter 6, Part 3, Subpart B. Specifically, Chapter 6 "Implementation" provides, at page 366: "[T]he RMP Monitoring Program will allow the 'Highlands Council to identify significant successes and continuing issues related to RMP policies, objectives, and programs, so that periodically the RMP may be improved through amendments, including the required six-year updates." Further, Part 3 "Improvement of the Master Plan," Subpart B "Regional Master Plan Monitoring" provides, at page 416: "Monitoring and research are vital to understanding the impact and effectiveness of the RMP over time. Monitoring will ensure that the RMP continues to provide effective polices and programmatic approaches in an ever changing landscape. In order to evaluate regional conditions, identify new or emerging issues, and develop future RMP priorities, indicators will be identified and tracked by the Highlands Council.... Conclusions drawn from the findings of the monitoring program may result in updates or amendments to policies and programs of the RMP. The monitoring program is necessary to ensure the RMP's goal of long-term sustainability in the Highlands Region."

⁴ RMP at 418

Council's approval, the draft Recommendation Report will be published on the Highlands Council website for public review and comment for a period of 30 days, as further outlined below.

Public Participation

The Highlands Council will accept written comments on all aspects of the draft Recommendation Report, including any changes to the RMP suggested therein, as well as suggestions for additional or different changes to the RMP than those proposed in the Recommendation Report. Anyone wishing to suggest additional or different changes to the RMP than those proposed in the draft Recommendation Report will be asked to provide the following information in support of such changes:

1. The proponent's name and contact information;
2. The purpose/intent of the proposed amendment;
3. The text of the proposed amendment;
4. A summary of how the proposed amendment is consistent with the Highlands Act and other applicable law; and
5. A summary of any data supporting the suggested amendment, together with a reference to the actual data so it may be reviewed by staff.

Following the conclusion of the public comment period, the Highlands Council staff will provide to the Committee for its consideration a summary and evaluation of the public comments received. Thereafter and subject to any changes approved by the Committee, the Committee shall send the final Recommendation Report to the Council, together with its recommendation that the Council authorize release of the final Report to the public. The Recommendation Report will include the summary and evaluation of public comments received on the draft Recommendation Report.

Review of RMP amendments by the Committee and adoption by the Highlands Council

Action by the RMP Amendment Committee

The Committee shall review and discuss the merits of the suggested changes to the RMP in the Recommendation Report, request additional information from Highlands Council staff as may be necessary to develop a proposed RMP amendment and determine the merits of the proposal, or take any other step(s) it determines necessary to evaluate the proposal. Any meeting of the Committee at which it is anticipated the Committee will take action on a proposed RMP amendment shall be open to the public, but the public shall not be entitled to participate or make comments at the Committee meeting. The public will have an opportunity to make public comments at Highlands Council meetings and at the public hearings held before any amendment to the RMP may be adopted.

The Committee may recommend that the Council take any of the following actions on each proposed amendment under consideration:

- Take no action
- Refer proposal to Council staff and RMP Amendment Committee for additional information on the proposal
- Refer proposal to the Science & Research Agenda for further review

- Conduct the public hearings required by the Highlands Act prior to adoption of the amendment

Public Participation

The Council will hold five public hearings in various locations in the Highlands Region, and at least one public hearing in Trenton. Testimony offered during public hearings will be limited to the proposed amendment(s). The public hearings may be conducted as part of a regular Highlands Council meeting, or they may be conducted by staff in which case the hearings will be chaired by the Executive Director. At least one of the public hearings will be conducted in the evening hours for the convenience of the public.

The Council will also consult with the State and local government entities, as required N.J.S.A. 13:20-9, by: (1) transmitting copies of the proposed RMP amendment(s) to the clerk for each municipality and clerk for each county located entirely or partially in the Highlands Region, (2) inviting the submission of written comments within 30 days, and (3) scheduling one or more meetings with such officials.

The Highlands Council may, in its discretion, schedule one or more public meetings with stakeholders to discuss the RMP and any amendments proposed thereto.

Action by the Highlands Council

At the conclusion of the public hearings, Highlands Council staff will provide to the Committee for its consideration a summary of the testimony received during the public hearing. The Committee will provide the Highlands Council with its final recommendation of the proposed amendment(s), including any proposed changes thereto based upon public comments.

The Highlands Council may act upon the proposal by adopting the proposed amendment(s) to the RMP. Alternatively, the Highlands Council may choose to take no action, refer the proposed amendment(s) back to the Committee for additional information, or place it on Science and Research Agenda for further review.

Upon adoption of any amendment to the RMP, a copy of the RMP amendment will be sent to the Governor, the Legislature, the governing body of every municipality and county located in the Highlands Region, and the State Planning Commission pursuant to N.J.S.A. 13:20-9 (d).



Highlands Council Meeting

Thursday, January 19, 2017



Procedure for Considering Proposals to Amend the Highlands RMP

John A. Maher, Chief Counsel
January 19, 2017





After the MPRR, What's Next?

- The Monitoring Program Recommendation Report (MPRR) is a work plan for the next 6 years.
- Likely to include one or more proposals to amend the RMP.
- What then?

How will amendment proposals be evaluated and acted on?



What do the Act and the RMP tell us about the process?

- The Act:
 - RMP may be adopted after 5 public hearings in the Region and 1 hearing in Trenton
 - May be amended “after public hearings”
- The RMP:
 - Does not address amendment process



The RMP and the Monitoring Program

- Future iterations of the RMP primarily guided by 6-year monitoring process.
- Proposed amendments should normally be considered as part of that process
- Possible for proposals to be considered at other times

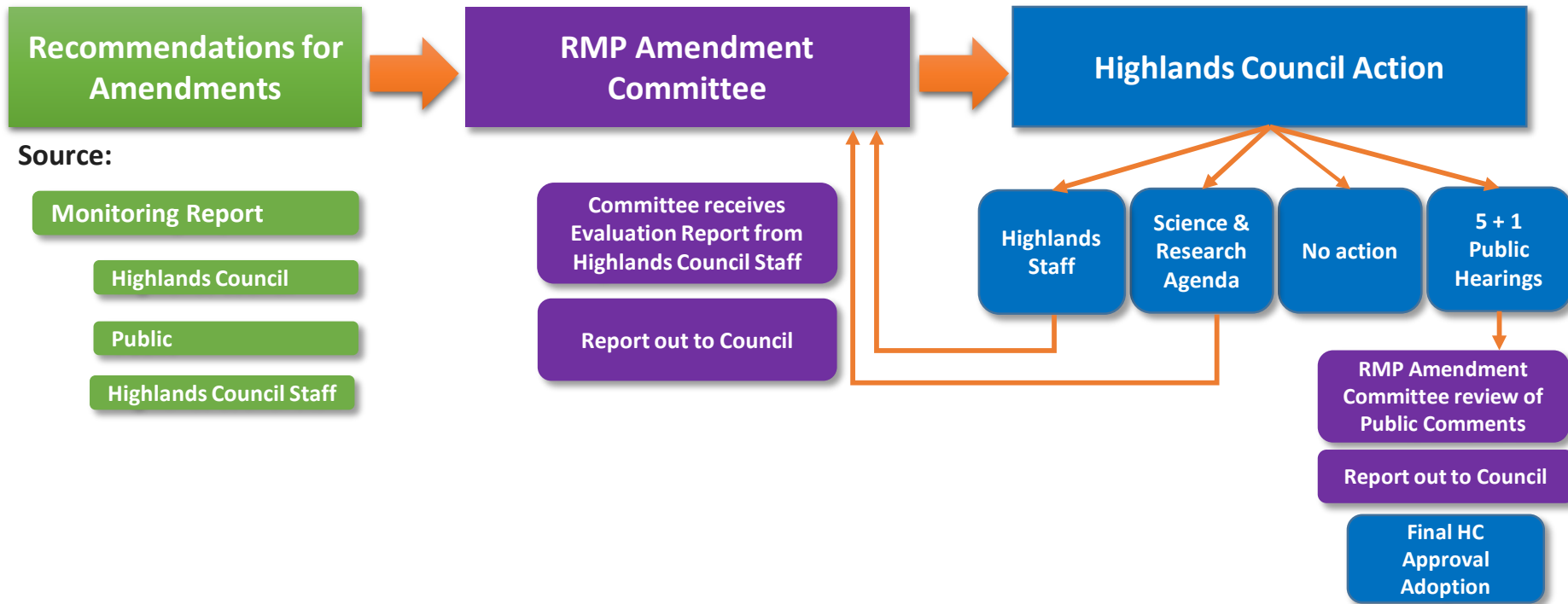


So What's the Process?

Amendments or revisions to the RMP would advance to final adoption by the Council in two stages:

- I. MPRR containing proposals for RMP amendments is finalized after public comment.
- II. One or more proposals to amend the RMP advances to final adoption through Council subcommittee (RMP Amendment Committee) and the Council after public comment.

RMP Amendment Process





Amending the RMP: Finalizing the MPRR

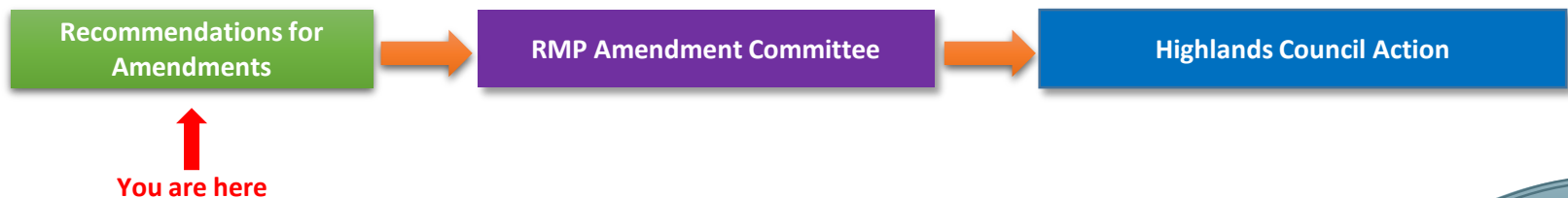
- MPRR draft completed
- RMP Amendment Committee reviews and recommends release for public comment.
- Council authorizes release for public comment.
 - Not less than 30 days
 - Public opportunity to comment on proposed amendment(s) in draft MPRR and/or recommend additional proposal(s) to amend the RMP.



Amending the RMP:

Finalizing the MPRR *(continued)*

- Staff prepares comment summary (including proposals from public), and comment responses for RMP Amendment Committee.
- Committee recommends release of the final MPRR including proposed amendments.
- The 6-year work plan is in place.





Amending the RMP: RMP Amendment Committee

- RMP Amendment Committee reviews and discusses amendment proposals from the MPRR.
 - Meetings acting on proposed amendments open to public with no comment *at that time* - public will have multiple opportunities for comment prior to final adoption.
- Report out recommendations to the Council.

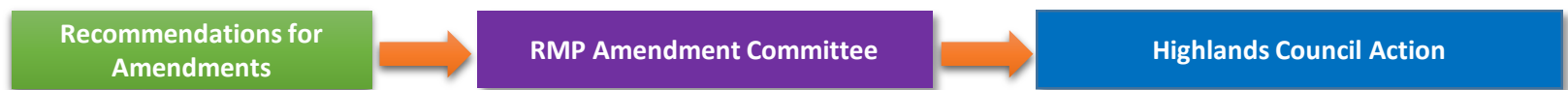




Amending the RMP:

Highlands Council Action

- Council may take any of the following actions on each proposed amendment:
 - No action
 - Refer back to staff and committee for additional information
 - Refer to Science & Research Agenda for further review
 - Conduct public hearings required by Highlands Act prior to adoption of amendment



↑
You are here



Amending the RMP:

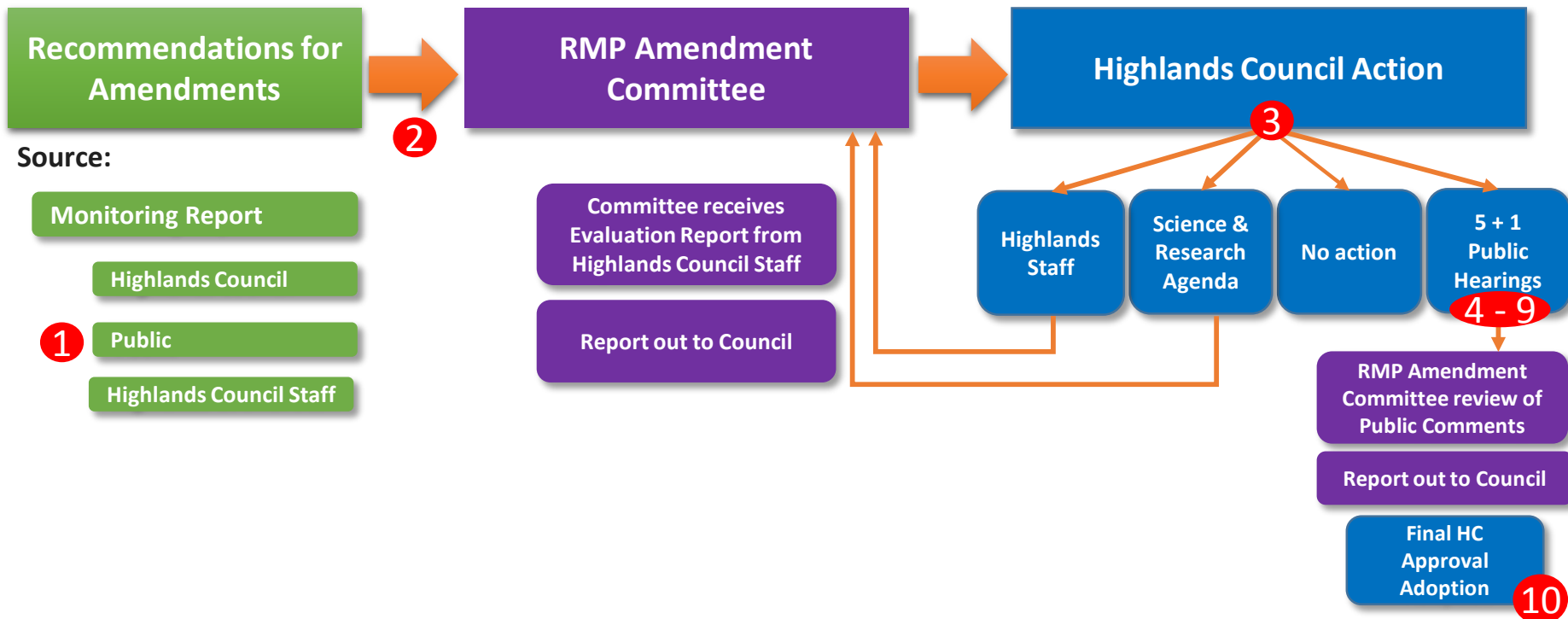
Highlands Council Action *(continued)*

- If Council authorizes staff to conduct public hearings on proposed amendment(s):
 - Hold public hearings
 - Following hearings, staff will prepare comment responses for RMP Amendment Committee
 - Committee will review comment responses and make final recommendation to Council
 - Council takes final action on amendment (s)



Opportunities for Public Comment

Public could have as many as **ten opportunities** for public comment prior to amendment adoption.





Next Steps

- Tonight: Approve resolution to use draft Amendment Procedure as guidance to finalize MPRR and consider other potential RMP amendments.
- Amendment Procedure will be adopted by Council as part of the RMP with other RMP amendments.
- Additional opportunities for public and Council to comment on Procedure before final adoption.



Highlands Council Meeting

Thursday, January 19, 2017

RESOLUTION 2017-1
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ELECTION OF VICE-CHAIR

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created the public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Section 6.g. of the Highlands Act authorizes the Highlands Council to conduct its business as needed to effectuate the purposes of the enabling legislation; and

WHEREAS, the Highlands Act authorizes the Highlands Council to adopt bylaws; and

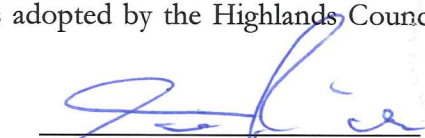
WHEREAS, the Highlands Council has adopted bylaws which provide for the election of officers to more efficiently conduct its business; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

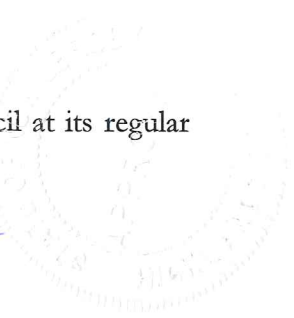
NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby elects Kurt Alstede as Vice-Chair of the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 19th day of January, 2017.



 Jim Rilee, Chairman



**Vote on the Approval of
 This Resolution**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	_____	✓	_____	_____
Councilmember Dougherty	_____	_____	✓	_____	_____	_____
Councilmember Dressler	_____	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	✓	_____	_____	_____
Councilmember Holtaway	_____	✓	✓	_____	_____	_____
Councilmember James	_____	_____	✓	_____	_____	_____
Councilmember Richko	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfank	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	✓	_____	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____

RESOLUTION 2017-2
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ELECTION OF TREASURER

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created the public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Section 6.g. of the Highlands Act authorizes the Highlands Council to conduct its business as needed to effectuate the purposes of the enabling legislation; and

WHEREAS, the Highlands Act authorizes the Highlands Council to adopt bylaws; and

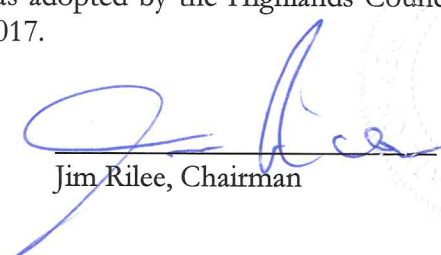
WHEREAS, the Highlands Council has adopted bylaws which provide for the election of officers to more efficiently conduct its business; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby elects Robert F. Holtaway as Treasurer of the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 19th day of January, 2017.



 Jim Rilee, Chairman

Vote on the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Dougherty	_____	_____	✓	_____	_____	_____
Councilmember Dressler	_____	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	✓	_____	_____	_____
Councilmember Holtaway	_____	_____	✓	_____	_____	_____
Councilmember James	_____	_____	✓	_____	_____	_____
Councilmember Richko	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfank	_____	_____	_____	_____	_____	✓
Councilmember Visioli	_____	✓	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	✓	_____	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____

RESOLUTION 2017-4
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND
HIGHLANDS PROJECT REVIEW

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, the Highlands Act created the Highlands Council as a regional planning and protection entity, to develop, adopt and periodically revise a Regional Master Plan, with a primary goal of protecting and enhancing the significant values of the resources of the Highlands Region; and

WHEREAS, the Highlands Council adopted the Regional Master Plan (RMP) on July 17, 2008 and, as a result of Executive Order 114 (2008), the RMP has an effective date of September 8, 2008; and

WHEREAS, Section 14 of the Highlands Act requires that within nine to 15 months after the effective date of the Regional Master Plan, each municipality located wholly or partially in the Preservation Area shall submit revisions to the municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary to conform them with the goals, requirements and provisions of the RMP (Plan Conformance); and

WHEREAS, Section 15 of the Highlands Act states that for any municipality located wholly in the Planning Area or for the portion of a municipality lying within the Planning Area, the municipality may, by ordinance, petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the RMP; and

WHEREAS, the Highlands Council adopted and distributed to the Highlands municipalities and counties Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance; and

WHEREAS, Section 13 of the Highlands Act requires the Highlands Council to create a regional transfer of development rights (TDR) program for the Highlands Region which includes a program for voluntary TDR receiving zones for any municipality within the seven Highlands Counties and sending zones for the preservation of lands to protect Highlands resources; and

WHEREAS, Section 11.a.4 of the Highlands Act requires a coordination and consistency component which details the ways in which local, State, and federal programs and policies may best be coordinated to promote the goals, purposes, policies, and provisions of the RMP; and

WHEREAS, Section 11.h and 9 of the Highlands Act requires the identification of areas appropriate for redevelopment and the setting of appropriate density standards for redevelopment; any area identified for possible redevelopment shall be either a brownfield site designated by the Department of Environmental Protection or a site at which at least 70% of the area thereof is covered with impervious surface (Highlands Redevelopment Areas); and

RESOLUTION 2017-4
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND
HIGHLANDS PROJECT REVIEW

WHEREAS, Section 30 of the Highlands Act includes seventeen exemptions from the provisions of the Act, the RMP, any rules or regulations adopted by NJDEP pursuant to the Act, or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit to specifically conform them with the RMP; and

WHEREAS, Sections 38 through 82 of the Highlands Act amends numerous statutes of State agencies to specifically require coordinated action to implement the RMP and requires consultation between the Highlands Council and State agencies to ensure that the RMP is considered prior to State agency action; and

WHEREAS, Sections 16 and 17 of the Highlands Act respectively authorize the Highlands Council to review capital or other project proposed to be undertaken by any State entity or local government unit and to review a final local government unit approval, rejection, or approval with conditions; and

WHEREAS, the Highlands Council desires to establish a process to implement the Highlands Act and the RMP in an orderly fashion through Plan Conformance and Highlands Project Review and to ensure that the Highlands Council retains authority to review and approve certain matters and to delegate authority to the Executive Director to review and approve others matters such that delegated matters constitute final agency action subject to the Council's authority to reconsider any final agency action; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that the Highlands Council shall hereby take the following actions to implement the Highlands Regional Master Plan:

1. For municipal and county Plan Conformance, review and issue final determinations on all Petitions for Plan Conformance including, but not limited to, any related conditions, grant allocations, resource management plans, Map Adjustments and Highlands Center designations in accordance with the Regional Master Plan and the Plan Conformance Guidelines;
2. For the Highlands TDR Program, designate voluntary TDR Receiving Zones based upon municipal petitions and review and, where direct Council action is recommended by the Executive Director, issue HDC Allocation Determinations and execute any related documents and deeds of easement;
3. For Highlands Redevelopment Area Designations, designate areas appropriate for redevelopment;
4. For federal, State, and regional agency coordination, review and issue determinations on all requests for consultation, coordination, recommendation or consistency determinations where direct Council action is recommended by the Executive Director;

RESOLUTION 2017-4
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND
HIGHLANDS PROJECT REVIEW

5. For Highlands Act exemption determinations, review and issue exemption determinations where direct Council action is recommended by the Executive Director; and
6. For the adoption of any master plan, development regulation, or other regulation by a local government unit not in Plan Conformance, development applications submitted to and approved by local government units, the call-up of local government unit approvals, and capital and other projects of State entities and local government units, review and issue comments or determinations on these matters on a case-by-case basis where the Highlands Council determines that Council action is required.

THEREFORE, BE IT FURTHER RESOLVED by the Highlands Council that the Executive Director is hereby delegated the authority to take the following final agency actions on behalf of the Council:

1. For municipal and county Plan Conformance, provide recommendations and take actions pursuant to the Plan Conformance Guidelines or Council Resolution and review and issue determinations on all requests for an RMP Update to verify updated, relevant factual information;
2. For the Highlands TDR Program, review and issue HDC Allocation Determinations and execute any related documents and deeds of easement;
3. For federal, State, and regional agency coordination, review and issue determinations on all requests for consultation, coordination, recommendation or consistency determinations;
4. For Highlands Act exemption determinations, review and issue exemption determinations;
5. For the adoption of any master plan, development regulation, or other regulation by a local government unit not in Plan Conformance, development applications submitted to and approved by local government units, the call-up of local government unit approvals, and capital and other projects of State entities and local government units, review and issue comments or determinations on these matters unless Council review is required by the Council;
6. For all of the above, the Executive Director may make a recommendation, based upon the potential impact on Highlands resources, that final agency action be taken by the Highlands Council; and
7. For all of the above, the Executive Director shall provide reports to the Highlands Council of all actions and determinations on a regular basis.

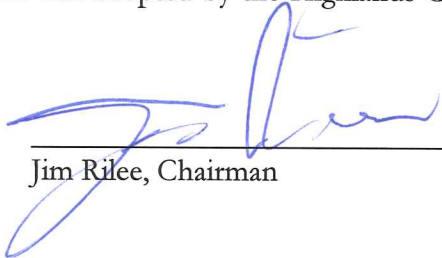
RESOLUTION 2017-4
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AUTHORITY FOR HIGHLANDS PLAN CONFORMANCE AND
HIGHLANDS PROJECT REVIEW

THEREFORE, BE IT FURTHER RESOLVED that any and all actions taken by the Executive Director pursuant to Resolution 2015-23 from December 3, 2015 through the effective date of this Resolution be and hereby are ratified by the Highlands Council; and

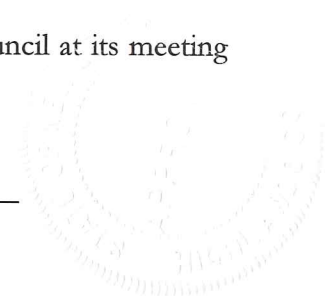
THEREFORE, BE IT FURTHER RESOLVED that this Resolution shall remain in full force and effect until it is revoked or modified by a subsequent resolution adopted by the Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 19TH day of January, 2017.



 Jim Rilee, Chairman



**Vote on the Approval of
This Resolution**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	_____	✓	_____	_____
Councilmember Dougherty	_____	_____	_____	✓	_____	_____
Councilmember Dressler	_____	_____	_____	✓	_____	_____
Councilmember Francis	_____	_____	✓	_____	_____	_____
Councilmember Holtaway	_____	_____	✓	_____	_____	_____
Councilmember James	_____	✓	_____	✓	_____	_____
Councilmember Richko	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfank	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	✓	_____	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.nj.gov/njhighlands



JIM RILEE
Chairman

MARGARET NORDSTROM
Executive Director

MEMORANDUM

To: RMP Update Committee
From: Margaret Nordstrom, Executive Director
Subject: Record of RMP Update Committee Meeting of November 29, 2016
Date: December 12, 2016

The RMP Update Committee met on Tuesday, November 29, 2016 at the Highlands Council office in Chester.

Committee Members present: Committee Chair Alstede, Committee Members Holtaway, Sebetich and Vohden.

Highlands Council Staff Members present: Margaret Nordstrom, John Maher, Kim Ball Kaiser, James Humphries, Maryjude Haddock-Weiler, Judy Thornton, Corey Piasecki, Drew Siglin, Carole Ann Diction, and Annette Tagliareni.

Also present (via phone): Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit

Committee Chair Alstede called the meeting to order at 2:10pm.

Ms. Nordstrom gave an overview of the "Highlands Redevelopment Area Designations" guidelines and noted that the document is on Council's website. Mr. Humphries then provided a presentation to committee members regarding the purpose and scope of the Redevelopment Area Designations document, the application process, clarifications made, and proposed amendments that will need to be adopted through the RMP amendment process. Staff noted that this presentation would be provided to the Council at its next meeting.

Committee Chair Alstede asked about the status of the RMP amendment procedures and the Monitoring Program Recommendations Report (MPRR). Ms. Nordstrom replied that the procedures are still being reviewed by Chief Counsel Maher and the Governor's Authorities Unit (GAU) and she anticipates having them before Council in January for approval. One of the components being reviewed is the number of public hearings required for the amendment

procedures, as well as guidance documents currently being revised and developed, such as the Redevelopment Area Designations guidelines. Highlands staff indicated that the current plan is for all guidance documents to go out for public hearing simultaneously. Staff noted that additional time will be required to prepare the comment response document.

The committee then discussed timing of the MPRR release and follow-up opportunities to amend the RMP in accordance with MPRR recommendations. Committee Member Holtaway asked if the MPRR has been drafted. Staff responded that it has been started. Staff also noted that the indicator analysis is 80% complete. Committee Chair Alstede asked if any new information had been revealed regarding science indicators. Staff responded that it is too early to know if there are significant changes and some indicators may show results that are due to the recession.

Discussion returned to the Highlands Redevelopment Area Designations document. Ms. Nordstrom noted a Brownfield application is expected in January. Committee Chair Alstede asked if the Redevelopment Area Designations document was in place when the Fenimore application came before Council. Staff responded that the original version was. However, clarifications have been made to the guidance document to indicate that if conditions pertinent to an application change after the Council has approved it, the Designation is subject to reconsideration by the Highlands Council. Ms. Nordstrom also pointed out additional submission requirements, included at page 7, paragraph 1.4.2 of the document. Member Holtaway commented on the words "lawfully existing" with regard to impervious surface coverage on page 1 and page 6 of the document and the significance of their interpretation. Member Holtaway also noted a discrepancy involving ownership of a property versus site control. Staff agreed that the discrepancy should be corrected to require that an applicant have legal control of the affected properties, which does not necessarily require ownership.

In closing, Member Sebetich expressed concerns regarding the science agenda, stating that he wants to ensure that any amendments to the RMP don't jeopardize the water quality (water resources, groundwater, etc.) or other natural resources of the Highlands Region. Staff responded that the extent of future amendments is limited by the goals and mandates of the Highlands Act, which calls for strong water and resource protections.

Next Committee Meeting

Future meetings were scheduled for:

Wed., January 4, 2017 at 2:00pm
Mon., February 6, 2017 at 2:00pm
Thurs., March 9, 2017 at 2:00pm

The meeting adjourned at 3:20pm.



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
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(908) 879-4205 (fax)
www.nj.gov/njhighlands



JIM RILEE
Chairman

MARGARET NORDSTROM
Executive Director

MEMORANDUM

To: RMP Update Committee
From: Margaret Nordstrom, Executive Director
Subject: Record of RMP Update Committee Meeting of January 4, 2017
Date: January 13, 2017

The RMP Update Committee met on Wednesday, January 4, 2017 at the Highlands Council office in Chester.

Committee Members present: Committee Chair Alstede, Committee Members Holtaway, Sebetich and Vohden.

Highlands Council Staff Members present: Margaret Nordstrom, John Maher, Kim Ball Kaiser, James Humphries, Maryjude Haddock-Weiler, Corey Piasecki, Carole Ann Diction, and Annette Tagliareni.

Also present: Council Chairman Jim Rilee (via phone), and Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit

Committee Chair Alstede called the meeting to order at 2:09pm.

RMP Amendment Procedures

The committee members received a draft copy of the Procedure for Considering Proposals to Amend the Highlands Regional Master Plan (the "Procedures"). It is anticipated that the Procedures will be finalized by end of week. The only topic still being discussed is the number of public hearings necessary for consideration of amendments. It is anticipated that at Council's January 19th meeting, members will consider a resolution that authorizes the release of the Procedures and the draft procedures for Highlands Redevelopment Area Designation for public comment and public hearings.

Committee Member Holtaway commented that use of the word “amendment” in the Procedures can be confusing in some places and suggested use of the plural since multiple amendments may be heard at a single public hearing. Committee Chair Alstede asked if there were any substantial changes made to the Procedures since the committee had previously reviewed. Ms. Nordstrom replied that some language was removed, but the process remains the same.

Committee Chair Alstede confirmed with staff that the Procedures will become part of the RMP upon adoption after required public hearings. Mr. Piasecki added that the Highlands Redevelopment Areas Designation procedures will also become part of the RMP upon adoption after required public hearings. There are other procedures currently being developed or revised that will become part of the RMP following the same process (Center Designation, Plan Conformance.). It is anticipated that these procedures will be available for review in the coming months. Committee Member Holtaway asked if the public hearings will be part of the Council meetings. Mr. Humphries responded that the public hearings will be conducted by staff separate from Council meetings (similar to the Highlands Open Space Partnership Funding Program public hearing).

Monitoring Program Recommendation Report (MPRR)

Committee members were provided with an outline for the MPRR, which is being used by Highlands staff as they prepare the text of the Report. Members received drafts of the following sections:

- Outreach Process Summary – recaps public involvement in the Monitoring Program.
- Recommendation Report Intro – overall introduction to the topic areas chapters of the MPRR
- Topic Areas Introductions – introductions to each of the nine (9) topic area chapters

Mr. Piasecki noted that the draft Implementation topic area introduction will be provided to the committee shortly. The indicator reports that will follow the introductions are being drafted by our consultant. A Highlands staff technical lead is assigned to each topic area and several staff members are involved in multiple rounds of reviews. Staff anticipates providing the committee with several draft Indicator Reports at its next meeting, scheduled for February 6th.

Fiscal Impact Assessment (FIA)

The committee members received the FIA report. Mr. Piasecki noted that the report is still in draft form, but very near final pending minor proofreading and formatting. Committee Chair Alstede asked if PlaceWorks’ services are completed. Ms. Nordstrom responded that the services are completed. Committee Chair Alstede asked if the report will be given to Council members at its next meeting. Highlands staff responded that Council members will receive the document at its next meeting along with the Peer Review of the document and the Highlands Regional Factbook. The documents will be posted on Council’s website following the meeting.

Report Out to Council

The full Council will receive the following documents at its January 19th meeting:

- Procedures to Amend the RMP
- Fiscal Impact Assessment
- Peer Review
- Fact Book

Upon Council's approval, all of the documents above will be posted to Council's website after the January 19th meeting.

Next Committee Meeting

Next committee meetings are scheduled on:

Mon., February 6, 2017 at 2:00pm
Thurs., March 9, 2017 at 2:00pm

The meeting adjourned at 3:06pm.